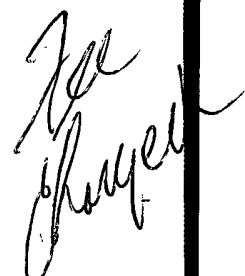
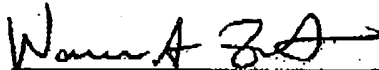


SEP 30 2004

**CERTIFICATE OF FACSIMILE TRANSMISSION**

This is to certify that this document entitled APPEAL BRIEF is being faxed to the Commissioner for Patents / Examiner Drew E. BECKER at fax no. 703-872-9306 this 30<sup>th</sup> day of September, 2004.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/976,377  
Applicants : MURRAY et al.  
Filed : 10/21/2001

Confirmation No. 9750

TC/A.U. : 1761  
Examiner : BECKER, Drew E.

Docket No. : KFHI-100  
Customer No. : 23290

**APPEAL BRIEF**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit the following Appeal Brief in accordance with 37 C.F.R. 41.37 together with the fee set forth in 37 CFR 41.20(b).

This Appeal is from a final Office Action dated May 11, 2004, finally rejecting Claims 21-40 and 59. No claims are allowed.

**I. REAL PARTY IN INTEREST**

The real party in interest is Kraft Foods Holdings, Inc. by way of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 012605, Frame 0106.

**BEST AVAILABLE COPY**

10/13/2004 RHOLLAND 00000002 501032 09976377